

BILL BUTLER
October 8, 2013

Job No. 15141

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSE S. GARZA)
)
)
VS.) C.A: H-4:12-CV-03532
)
) JURY
NATIONAL OILWELL VARCO,)
LP)

ORAL DEPOSITION OF

BILL BUTLER

OCTOBER 8, 2013

VOLUME 1

ORAL DEPOSITION of BILL BUTLER, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on the 8th day of October, 2013, from 12:50 p.m. to 2:47 p.m., before Lana Sholders, CSR in and for the State of Texas, reported/recording by machine shorthand, at the offices of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 400 Dallas, Suite 3000, Houston, Texas, pursuant to the Federal Rules of Civil Procedure.



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1 BILL BUTLER,
2 having been first duly sworn, testified as follows:
3 EXAMINATION

4 BY MR. BUTLER:

5 Q. Please state your full name.

6 A. Billy Joe Butler.

7 (Exhibit No. 1 marked.)

8 Q. (By Mr. Costea) Mr. Butler, I'm showing to
9 you a document that's been marked as Exhibit No. 1;
10 and it is a photo copy of two business cards. One is
11 a business card for Bill Butler. The other one is for
12 Bob Miller and the top business -- well, do you
13 remember -- I mean, the top business card, that's a
14 copy of a business card that at some point you had
15 during your employment with National Oilwell Varco?

16 A. Yes.

17 Q. And your job is identified in that business
18 card as being a human resources manager, right?

19 A. Correct.

20 Q. And the location listed on your business
21 card is 11919 FM 529, right?

22 A. Correct.

23 Q. And right beneath your job title, it states
24 "Rig Solutions," right?

25 A. Yes.

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1 Q. What's the relevance of Rig Solutions?

2 A. It's one of the divisions of National

3 Oilwell.

4 Q. So according to this business card, it seems
5 that you've been employed by National Oilwell Varco at
6 some point as human resources manager. When was that?

7 A. I'm not certain when I became the HR
8 manager.

9 Q. How long were you an HR manager?

10 A. For National Oilwell Varco?

11 Q. Yes, sir.

12 A. I believe it was December of 2006 until
13 January of 2011.

14 Q. What was your job with NOV after January,
15 2011?

16 A. After?

17 Q. Yes.

18 A. I'm a human -- I'm a health and safety
19 specialist. Health, safety and environmental
20 specialist.

21 Q. Was that a promotion over your HR manager
22 prior position?

23 A. Pardon me?

24 Q. Was that a promotion over your HR manager
25 position?

2 (Pages 2 to 5)

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Electronically signed by Lana Sholders (101-225-766-0482)

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<p>1 A. No. 2 Q. Just a totally different position? 3 A. Yes. 4 Q. Following January of 2011, where did you 5 work out of? What location? What address? 6 A. After January of 2011? 7 Q. Yes, sir. 8 A. I worked at 12950 West Littleyork. 9 Q. Do you still work there? 10 A. Yes, I do. 11 Q. Same position? 12 A. Health and safety environmental specialist, 13 yes. 14 Q. Great. What was your job with NOV before 15 December of 2006? 16 A. I was the health and safety manager. 17 Q. At what plant? What location? 18 A. The 11919 FM 529. 19 Q. How long have you worked for NOV in all? 20 A. I started September the 17th, 2001. 21 Q. And you've been continuously employed by NOV 22 until today? 23 A. Yes. 24 Q. And what was the name of the company in 25 September of 2001?</p>	<p>1 in '97 I went to work for a roadway construction 2 company as a -- the title was hiring 3 coordinator/safety coordinator. 4 Q. What company was that? 5 A. J.D. Abrams, A-b-r-a-m-s. 6 Q. So you have worked for the federal 7 government at some point in the past? 8 A. I'm retired military, yes. 9 Q. So from December, 2006 all the way to 10 January of 2011, you worked at the FM 529 location? 11 A. Correct. 12 Q. You know Mr. Garza, correct? 13 A. Yes. 14 Q. Tell me about the HR office at FM 529. On 15 average how many employees did you have in that 16 office? 17 MS. WHITE: Objection. Form. 18 Q. (By Mr. Costea) How many employees worked 19 in human resources? 20 A. There was myself and an assistant. 21 Q. Okay. 22 A. At the time. 23 Q. Right. What was his name or her name? 24 A. My assistant's name? 25 Q. Yes.</p>
<p>1 A. It was National Oilwell, Incorporated, I 2 believe. 3 Q. And when you started out with National 4 Oilwell, Inc., what was your job, job title? Were you 5 in HR? 6 A. I was the health and safety environmental 7 manager when I started. 8 Q. So between 2001 and now, for about how many 9 years were you working in HR? 10 A. Before 2001? 11 Q. Between 2001 and today, for how many years 12 have you worked in HR? 13 A. From December of '06 to January of 2011. 14 Q. Fair enough. Thank you. What is the year 15 of your birth, sir? 16 A. December 10th, 1949. 17 Q. Do you have formal training in HR matters 18 like taking college courses, maybe a college degree in 19 HR, anything like that? 20 A. Yes, I did. 21 Q. Go ahead. Tell me what you have, please. 22 A. I was the journeyman -- let me see. 23 Journeyman career counselor through the Department of 24 Labor. I got that in -- I'm not sure which year. I 25 was a military recruiter from 1985 to 1996. And then</p>	<p>1 A. I had several. 2 Q. In 2000 -- let's say 2006, who was your 3 assistant? 4 A. A lady named Brenda Waters. 5 Q. Is Brenda still employed with NOV? 6 A. No. 7 Q. In 2007 do you remember the name of the 8 assistant? 9 A. I do not. 10 Q. What about 2008? 11 A. I'm not sure of the years. I remember some 12 of the names. I'm not sure of the dates. 13 Q. If you cannot coordinate the names and the 14 years, that's fine. Give me the names then that you 15 recall. 16 A. I had a lady by the name of Lisa Hubbard. 17 Q. Okay. 18 A. And then she was moved to a different 19 department; and I hired a lady named Sabrina Carr, 20 C-a-r-r c. 21 Q. In January, 2011 when you left your position 22 as HR manager, who replaced you in that position? 23 A. I'm not sure of the name. 24 Q. Let me show you some paperwork here. Go 25 ahead.</p>

3 (Pages 6 to 9)

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1 NOV have an employee handbook?
 2 A. They did not.
 3 Q. You know what an employee handbook is,
 4 right?
 5 A. Yes.
 6 Q. Like a booklet which contains the written
 7 rules and policies of the employer, tardiness, you
 8 know, disciplinary actions, harassment, reporting it,
 9 and so on and so forth?
 10 A. Yes.
 11 Q. Now what you have in front of you is - like
 12 we already established is NOV's Nondiscrimination
 13 Anti-Harassment Policy and you will see that it has an
 14 effective date of 2-12 of 1998? Right at the top.
 15 A. 2-12-88?
 16 Q. Yes. Mr. Butler, do you see that date?
 17 A. Yes.
 18 Q. Effective date 2-12-1988. And then it has a
 19 revision date of 4-20-1998, right?
 20 A. Yes.
 21 Q. Do you know whether or not the sexual
 22 harassment policy -- well, strike that.
 23 This Nondiscrimination and
 24 Anti-Harassment Policy was updated since April 20th of
 25 1999.

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1 MS. WHITE: Objection. Form.
 2 A. I do not know.
 3 Q. (By Mr. Costea) In the sexual harassment
 4 training that you provided to employees at FM 529, did
 5 you indicate to them that same sex harassment was
 6 against the law?
 7 A. Yes.
 8 Q. And the video materials that were shown to
 9 the employees, did they contain that admonishment that
 10 same sex harassment is against the law?
 11 A. Yes.
 12 Q. Forbidden? The policy that you have right
 13 there in front of you, Exhibit No. 6, Landis Exhibit
 14 No. 6, have you seen this document before? And it
 15 might be useful for you to go through every page of
 16 the document. The exhibit has about four pages.
 17 A. Yes.
 18 Q. You have seen it before, right?
 19 A. Yes.
 20 Q. Did Exhibit 6, either the entire exhibit or
 21 parts of it, was any of this material given to
 22 employees in the sexual harassment training that you
 23 provided?
 24 A. I believe it was.
 25 Q. Between 2006 and 2011, did NOV have like a

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1 hot line where employees could call in and lodge
 2 complaints?
 3 A. Yes.
 4 Q. How do you call that hot line? Ethics line
 5 or what --
 6 A. I believe it was the ethics.
 7 Q. And how are the employees advised of the
 8 existence of this ethics hot line?
 9 A. It was on posters.
 10 Q. And where would the posters be placed?
 11 A. There were several. There was one in the
 12 break room. There was one outside of the HR office.
 13 There was one in every break room. There was one
 14 outside the HR office, and then they were given a copy
 15 on the date of hire.
 16 Q. Were there also sexual harassment posters in
 17 the break room and different places around the plant?
 18 A. There was a poster in reference to sexual
 19 harassment and work place violence.
 20 Q. Where was that poster placed?
 21 A. Same thing. I had a bulletin board outside
 22 our HR office and in the break rooms.
 23 Q. Was that poster still in place as of
 24 January, 2011 when you left --
 25 A. Yes.

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1 Q. -- the plant?
 2 A. Yes. I actually left October of 2010. I
 3 went on a leave of absence.
 4 Q. Thank you.
 5 A. My position I was transferred January 4th,
 6 2011.
 7 Q. Thank you for letting me know. So
 8 physically speaking from October, 2010 to January,
 9 2011, you were no longer at the FM 529 plant?
 10 A. In an official capacity, no.
 11 Q. Right.
 12 A. I was still assigned the position, still on
 13 the payroll filling that position. Nobody took my
 14 spot. What happened is I broke both feet October of
 15 2010. So I had both feet in casts.
 16 Q. Sorry to hear that.
 17 A. Me too.
 18 Q. Well, I hope you are doing okay now.
 19 A. Yes.
 20 Q. I tell you what, let's go ahead and look at
 21 Document 1 now. You have in front of you Exhibit No.
 22 1, and do you remember having seen page 1 and page 2
 23 of that exhibit?
 24 A. You mean this is page 2?
 25 Q. Yeah. The entire document that you have in

5 (Pages 14 to 17)

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1 front of you is known as an exhibit.

2 A. Okay.

3 Q. And the exhibit has two pages. So I'm
4 asking you: Do you recall having seen either page 1
5 or page 2 of this exhibit before today?

6 A. Yes. I received it.

7 Q. The first page of this exhibit is
8 notification from the Equal Employment Opportunity
9 Commission to Bill Butler HR manager at NOV FM 529
10 location advising you that Mr. Garza had filed a
11 charge of discrimination, correct?

12 A. Yes.

13 Q. And I would imagine that charges of
14 discrimination coming from the EEOC are fairly
15 familiar to you?

16 MS. WHITE: Objection. Form.

17 Q. (By Mr. Costea) I mean you've seen them
18 before, right? This is not the first one you've ever
19 seen?

20 A. This is the first one I've ever seen with
21 National Oilwell Varco.

22 Q. Fair enough. The first one and the only
23 one?

24 A. Yes.

25 Q. So once you received the notification from

1 Q. Did you have any involvement whatsoever in
2 responding to the charge?

3 A. No.

4 Q. Like providing statements, affidavits,
5 anything along those lines?

6 A. Not to my -- that I remember, no.

7 Q. Let's look at page 2 of Exhibit No. -- of --
8 yes, of Landis Exhibit No. 1. Do you recall having
9 received the charge of discrimination, Mr. Garza's
10 charge of discrimination as well?

11 A. Do I -- do you mean if I remember receiving
12 this?

13 Q. Yes.

14 A. Yes.

15 Q. Did you tell anyone at the plant at 529 that
16 Mr. Garza had filed a charge of discrimination?

17 A. I do not remember.

18 Q. And I apologize for being so tedious, but I
19 need to ask you in greater detail. Did you tell
20 Mr. Miller that Mr. Garza had filed a charge of
21 discrimination?

22 A. I do not remember.

23 Q. Did you tell Mr. Landis?

24 A. Mr. Landis was not there.

25 Q. I understand. At some point Mr. Landis came

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1 the EEOC that Mr. Garza had filed a complaint of
2 discrimination, did you actually read the document?

3 A. Yes.

4 Q. And you see that the EEOC indicates on page
5 1 of Exhibit No. 1 in box No. 3, it asks the company
6 to provide a statement to respond to the charge by
7 June the 8th of 2009, right?

8 A. Correct.

9 Q. Was a response filed, to your knowledge?

10 A. I believe there was.

11 Q. And when you got to -- when you received
12 this charge from the EEOC, what was the first thing
13 that you did?

14 A. I called the HR director for Rig Solutions.

15 Q. And who was that person?

16 A. Jeff Dodd.

17 Q. And what did you tell him?

18 A. This I had received this, and I don't
19 remember if I faxed or emailed it to him. I sent him
20 a copy of this.

21 Q. Did you tell him about anything about the
22 charge or about Mr. Garza?

23 A. No.

24 Q. So you sent it on to him, right?

25 A. Yes.

1 on board?

2 A. Yes.

3 Q. Did you tell him ever?

4 A. I do not remember.

5 Q. What about Mr. Warren?

6 A. I do not remember.

7 Q. What about Mr. Rudy Lopez?

8 A. I do not remember.

9 Q. Let me ask you a broader question. Other
10 than Mr. Dodd you said, right?

11 A. Yes.

12 Q. Did you tell anyone at NOV that Mr. Garza
13 had filed a charge of discrimination?

14 A. I believe I also had spoke to

15 Mr. Lon Allchin.

16 Q. To who?

17 A. Lon, L-o-n. Last name is Allchin,

18 A-l-l-c-h-i-n.

19 Q. A-l?

20 A. A-l-l-c-h-i-n.

21 Q. C-h-i-n.

22 A. Yeah, one word.

23 Q. Allchin?

24 A. Allchin.

25 Q. Was he an employee of NOV?

6 (Pages 18 to 21)

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1 A. Yes.

2 Q. In what position?

3 A. He was HR at the corporate office. He
4 worked directly for Mr. Dodd. He was like Mr. Dodd's
5 second hand or second in command for Mr. Dodd.

6 Q. Did you tell your assistant that Mr. Garza
7 had filed this charge of discrimination?

8 A. I do not remember.

9 Q. One name that comes up in the charge of
10 discrimination is a Mr. Richard Urquhart. Do you see
11 his name in the second paragraph kind of like in the
12 middle of the paragraph?

13 A. Yes.

14 Q. Did you tell Mr. Urquhart that Mr. Garza had
15 filed a charge of discrimination?

16 A. I do not remember.

17 Q. Did you read the charge of discrimination
18 when you received it?

19 A. Yes.

20 Q. And did the facts identified in the charge
21 of discrimination ring a bell for you in May of 2009?

22 MS. WHITE: Objection. Form.

23 Q. (By Mr. Costea) In other words, did they
24 sound familiar? Did you know about any of these facts
25 before you actually received this charge?

1 Q. Have you yourself directly spoken with
2 Mr. Hunt about Mr. Garza?

3 A. The day that Mr. Hunt made the complaint,
4 yes.

5 Q. What about Mr. Garza, did you speak with
6 Mr. Garza about this charge of discrimination that you
7 have in front of you?

8 A. Later I was -- I became aware of it. I
9 didn't speak to Mr. Garza at that time. Mr. Miller
10 did.

11 Q. Well, let me rephrase my question: Did you
12 speak with Mr. Garza about the charge of
13 discrimination that you have in front of you?

14 A. He asked me if I -- he came into my office
15 and asked if I had received it several days after I
16 received it.

17 Q. So Mr. Garza came to you several days after
18 you got it?

19 A. After I got this discrimination letter, yes.

20 Q. Did you get the charge? I mean, did you get
21 the complaint?

22 A. Yeah. He asked me if I received it.

23 Q. What did you tell him?

24 A. I said, yes, I did.

25 Q. Now, when you received this charge of

Page 23

Page 25

1 MS. WHITE: Objection. Form.

2 A. Yes.

3 Q. (By Mr. Costea) What facts in this EEOC
4 charge of discrimination were you aware of before you
5 actually received this charge of discrimination from
6 the EEOC?

7 A. I was aware that a coworker had made a
8 complaint about Mr. Garza using racial words towards
9 him, and I was also aware when we asked Mr. Garza
10 about that is when he mentioned about the sexual
11 assault.

12 Q. By whom?

13 A. Not sexual harassment but he said he was
14 sexually assaulted.

15 Q. By whom?

16 A. A coworker, the one that had made the
17 original complaint on the using the derogatory terms,
18 racial terms towards him.

19 Q. Do you remember that person's name?

20 A. I believe it was a Mr. Hunt.

21 Q. Steve Hunt?

22 A. I think his first name was Steve.

23 Q. Have you ever met Mr. Hunt?

24 A. Well, I knew who Mr. Hunt was. I knew most
25 of the employees there.

1 discrimination, did you put a "received" stamp on it
2 in your office? I mean, would you date -- do you date
3 documents when you receive the mail in your office?

4 A. Normally the people that open the mail, I
5 think they do now. I don't know if they did it that
6 day or not.

7 Q. Tell me about the conversation that you had
8 with Mr. Garza when he came into the office and asked
9 you if you had received the charge?

10 A. He just asked if I had received it. I said,
11 yes, I did.

12 Q. Anything else?

13 A. I think I told him that I sent it to our
14 corporate office.

15 Q. And I apologize for insisting, but do you
16 recall anything else that he said or that you said?

17 A. Not at that time, no.

18 Q. Did you have more than one conversation with
19 him about the EEOC charge of discrimination?

20 A. No, sir, not to my knowledge.

21 Q. Before today when was the last time that you
22 saw this charge, that you looked at this charge of
23 discrimination?

24 A. I reviewed with my attorney last week.

25 Q. Fair enough. Please go to document No. 2 in

7 (Pages 22 to 25)

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1 that same stack. And we are going to look at Landis
 2 Exhibit No. 2. Do you recognize that exhibit as being
 3 a copy of the performance evaluation given to
 4 Mr. Garza according to the date identified in the
 5 document April 26, 2007?

6 A. Yes.

7 Q. Do you know if Mr. Garza received a
 8 performance evaluation in 2006, 2008, 2009?

9 A. I do not know.

10 Q. How frequently were the employees supposed
 11 to be evaluated as far as their performance was
 12 concerned? Annual basis, every two years? What was
 13 the rule?

14 A. I believe it was annually. I didn't do the
 15 evaluations.

16 Q. And if I ask --

17 A. Except for the one person that worked for
 18 me.

19 Q. Yes. And if I asked you do you know who did
 20 this evaluation --

21 A. Pardon me?

22 Q. Do you know who did Mr. Garza's evaluation?

23 A. It looks like this particular one was done
 24 by Mr. Miller's handwriting.

25 Q. So you recognize his --

1 A. 10000 Richmond.

2 Q. 10000?

3 A. Yes.

4 Q. I have in my notes I have an address of 2000
 5 Richmond but that's 10000?

6 MS. WHITE: 10.

7 Q. (By Mr. Costea) I think I took it down
 8 wrong.

9 A. Yeah, it's 10000 Richmond.

10 Q. 10000. And the corporate office is still
 11 there, right?

12 A. The corporate office for Rig Solutions is
 13 still there, yes.

14 Q. So I think now I understand. In 2009, were
 15 employees at the 529 -- at FM 529 plant given raises?

16 A. I don't remember. I know we had a freeze at
 17 one time, but I'm not sure of the dates.

18 Q. What about 2010?

19 A. No, I don't remember the dates for the
 20 freeze.

21 Q. And you left in January of 2011. So I
 22 guess --

23 A. I left in October -- I actually left
 24 October, I think, 17th of 2010.

25 Q. So then if I pressed on and asked you do you

Page 27

Page 29

1 A. I'm just guessing that it's Mr. Miller's.
 2 It doesn't say it on there. But he normally did the
 3 evaluations for his employees.

4 Q. Let's go to document No. 3. Have you seen
 5 any of the documents in Exhibit No. 3 before today?

6 A. I don't remember seeing the first page.

7 Q. What about the second page?

8 A. Yes.

9 Q. You have?

10 A. Yes. I was not in HR when he got hired back
 11 in April, 2006 for the first page.

12 Q. Right. Okay. Thank you for clarifying
 13 that. And then what about the document of April 25,
 14 2008?

15 A. I was in HR then. So I assume that I saw
 16 that.

17 Q. So am I to understand then that you would be
 18 informed of employee performance and employee raises?

19 A. They would turn in a request for a raise and
 20 this sheet here was normally the justification to get
 21 the -- because all of the raises or increases had to
 22 be approved at our corporate office and this was a
 23 letter was just an extra incentive to get an approval.

24 Q. Correct. And where was the corporate
 25 office? You gave me --

1 know if raises were given at the plant in 2011 and
 2 2012 --

3 A. Oh, I wouldn't have -- I would have no idea.

4 Q. Have you -- I won't ask you what you got,
 5 but have you received raises between 2009 and now?

6 A. Yes. Well, I received a raise this year;
 7 and I think I received one last year. Whether I got
 8 one in '09 or 2010, I do not know. There was a freeze
 9 that I did not get a raise for a while.

10 Q. Yes. Okay. Let's go ahead and look at
 11 another document now which is not in that stack.

12 (Exhibit No. 2 marked.)

13 Q. (By Mr. Costea) And this document,
 14 Mr. Butler, is labeled as Butler Exhibit No. 2; is
 15 that correct?

16 A. Yes.

17 Q. And I'll represent to you the documents I
 18 have in this exhibit are documents given to me in the
 19 course of this litigation by defense counsel. So it's
 20 going to be a bit tedious but bear with me and if you
 21 need a break, let me know but I need to go through
 22 these statements almost sentence by sentence, okay?

23 A. Okay.

24 Q. The first two pages of this exhibit appear
 25 to be notes that apparently you drafted or somebody

8 (Pages 26 to 29)

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1	drafted on your behalf because on page 2 of that	1 A. Sure.
2	exhibit I see your name, right?	2 Q. Were there any rumors in the work place that
3	A. Correct.	3 Mr. Hunt was a homosexual?
4	Q. Next to your name we have a date of	4 A. Not to my knowledge.
5	4-29-2009, right?	5 Q. I understand that at some point there was a
6	A. Yes.	6 complaint made against Mr. Hunt by Mr. Garza, right,
7	Q. Now, did you yourself type this document or	7 and we talked about that, right?
8	somebody typed it up for you?	8 A. Yes.
9	A. I typed this document.	9 Q. Other than Mr. Garza, do you recall any
10	Q. Did you type it at work during working	10 other complaints about Mr. Hunt that reached you or
11	hours?	11 your office?
12	A. Yes.	12 A. I do not.
13	Q. And did you do so on April the 29th of 2009?	13 Q. So as far as you know prior to October,
14	A. I think that might have been the date that I	14 2010, the only written documentation concerning any
15	completed it, yes.	15 complaints against Mr. Hunt were only with respect to
16	Q. So you might have started it the day before?	16 Mr. Garza's complaint, right?
17	A. Well -- pardon me?	17 A. Correct.
18	Q. You might have started it the day or a	18 Q. In the next sentence you state that you and
19	couple of days before?	19 Bob had sat down with Mr. Hunt to hear his allegation,
20	A. Correct.	20 right?
21	Q. Did you also write a handwritten statement?	21 A. Yes.
22	A. I do not remember.	22 Q. Can you please describe Mr. Hunt for me?
23	Q. Did somebody ask you to write, to type up	23 A. I don't understand.
24	this statement?	24 Q. Well, let's start with his race. What is
25	A. I do not remember.	25 his race?
	Page 31	Page 33
1	Q. Let's look at the events that you identify	1 A. I believe he's Caucasian.
2	in your statement.	2 Q. Is he a big man?
3	A. Okay.	3 A. The best I remember, yes.
4	Q. In the first line on page 1 of the exhibit	4 Q. The best you recall he's a big man?
5	you state that Mr. Bob Miller advised you or told you	5 A. Yeah. The best I remember, yes.
6	on April 20th, 2009 that Mr. Hunt wanted to make a	6 Q. Have you ever used -- have you ever heard
7	complaint about an employee using racist remarks	7 him use vulgarity?
8	against him. I understand Mr. Miller was Mr. Garza's	8 MS. WHITE: Objection. Form.
9	supervisor in April, 2009?	9 A. I don't remember.
10	A. Yes. Mr. Hunt and Mr. Garza both worked for	10 Q. (By Mr. Costea) Did anyone complain to you
11	Mr. Miller.	11 that Mr. Hunt had a foul mouth?
12	Q. Before April 20th of 2009, did you know	12 A. Pardon me?
13	anything about Mr. Hunt?	13 Q. Did anyone complain to you or indicate to
14	MS. WHITE: Objection. Form.	14 you that Mr. Hunt had a foul mouth?
15	A. I just knew who he was.	15 A. I do not remember anyone making the
16	Q. (By Mr. Costea) Sir?	16 complaint.
17	A. I just knew who he was. I knew most of the	17 Q. To your knowledge, is Mr. Hunt still
18	employees that worked there just from being in HR and	18 employed with NOV?
19	safety prior to that.	19 A. If he's still employed?
20	Q. Right.	20 Q. Right.
21	A. I didn't have conversations, personal	21 A. I have no idea.
22	conversations with him.	22 Q. So Mr. Hunt comes to your office along with
23	Q. I apologize for being blunt concerning some	23 Mr. Miller and complains that Mr. Garza had called him
24	of my questions; but given the nature of this case, I	24 a --
25	have to ask you those questions.	25 A. Actually Mr. Miller called me and asked me

9 (Pages 30 to 33)

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1 to come to his office. Mr. Hunt was in Mr. Miller's
2 office.

3 Q. So you went to his office?

4 A. I went to Mr. Miller's office because I --
5 Mr. Hunt had made an allegation about Mr. Garza to
6 Mr. Miller. Mr. Miller brought me in to listen to the
7 allegation.

8 Q. Right. And the allegation or one of them
9 was that Mr. Garza had called Mr. Hunt a stupid
10 Americano, right?

11 A. That was what he said.

12 Q. The last sentence of the first paragraph,
13 you indicate that Rudy Lopez was not here to confirm
14 Mr. Hunt's allegation and in one of the prior
15 sentences, you state that Mr. Hunt stated to you or in
16 your presence that Mr. Lopez had heard the comment,
17 the racial comment that Mr. Garza had made to him,
18 right?

19 A. Correct.

20 Q. Did you at some point later on have any
21 communications with Mr. Lopez to confirm whether or
22 not Mr. Garza had called Mr. Hunt a stupid American?

23 A. I do not know.

24 Q. Your next paragraph states that the
25 following day on April 21st Mr. Garza was brought in.

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1 He was brought in where? Your office?

2 A. Mr. Miller's office.

3 Q. Mr. Miller. So this time it was you,
4 Mr. Miller, and Mr. Garza, right?

5 A. Yes.

6 Q. And the rest of the paragraph is fairly self
7 explanatory. And your next paragraph states that on
8 April 27th Mr. Miller asked you to come to his office
9 because he was going to give Mr. Garza a written
10 reprimand concerning the use of racial comments and he
11 wanted you to be a witness. Do you recall having gone
12 to Mr. Miller for that purpose?

13 A. Yes.

14 Q. And I think that we have that reprimand
15 somewhere. And that's going to be Exhibit No. 4 in
16 that -- yes, in that stack. And I would like for you
17 to go to page 2 of that exhibit. And you will see a
18 corrective action -- page 2. You see a corrective
19 action given to Jose Garza by Mr. Miller with a date
20 given to him on 4-29-09, correct?

21 A. Correct.

22 MS. WHITE: Objection. Form.

23 MR. COSTEA: Is the date wrong?

24 MS. WHITE: I think so, yeah.

25 MR. COSTEA: 4-29-09?

1 MS. WHITE: I think it's 27.

2 MR. COSTEA: 4-27-09. Okay.

3 Q. (By Mr. Costea) And the witness signature,
4 is that your signature, Mr. Butler?

5 A. Yes.

6 Q. So was this the document that was given to
7 Mr. Garza on the 27th that he refused to sign?

8 A. Yes.

9 Q. Did Mr. Garza explain why he refused to sign
10 this document?

11 A. No, he did not.

12 Q. Did Mr. Garza use any profanity or any
13 improper language in -- during this meeting?

14 A. I don't remember him using profanity.

15 Q. Did you have any part in actually completing
16 this form?

17 A. Pardon me?

18 Q. Did you have any role, any part whatsoever
19 in writing this corrective action report for
20 Mr. Garza?

21 A. The only thing that I wrote was the employee
22 refused to sign.

23 Q. All right.

24 A. And I corrected the date to 4-27, but I did
25 not type the form.

10 (Pages 34 to 37)

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1	given to Mr. Garza?	levels of employees have the responsibility to report.
2	A. I was not.	Q. What about team leaders, do they have an
3	Q. This employee warning notice states	obligation to report the harassment?
4	"Disruptive behavior, threats to fellow employee	A. I believe all of us.
5	coworker Galvan Oswaldo." Do you know that person?	Q. Okay. Fair enough. So if an employee like
6	A. I vaguely remember the name.	Mr. Garza complains about sexual harassment to his
7	Q. Do you know anything about this incident	team lead, his team lead has an obligation to elevate
8	between him and Mr. Oswaldo?	that to carry on the complaint to the higher level or
9	A. I do not know.	maybe your office?
10	Q. Do you know if Mr. Oswaldo was also given a	MS. WHITE: Objection. Form.
11	warning notice as well?	Q. (By Mr. Costea) Sir?
12	A. I do not know.	MS. WHITE: Go ahead and answer. You
13	Q. Well, I'm talking about July, 2007. You	can answer.
14	don't know. Okay.	A. I believe he has an obligation to bring it
15	A. This is a form Mr. Miller completed.	further up either to his boss or to the HR or to the
16	Q. Completed, okay. Now, going back to your	ethics hot line.
17	statement, Mr. Butler.	Q. (By Mr. Costea) Well, who is "he" in this
18	A. Okay.	sentence?
19	Q. Which is Butler Exhibit No. 2. We were now	A. Pardon me?
20	focusing on the paragraph which starts "On Monday,	Q. Who is "he"?
21	April 27th."	A. You said team leader.
22	A. Okay.	Q. Right. So the team leader, if the team
23	Q. So we covered the portion in your statement	leader becomes aware of a sexual harassment incident,
24	where Mr. Garza was given a reprimand and then it says	he or she has an obligation to --
25	"Mr. Garza refused to sign and stated" quote "That he	A. To run it up to either his supervisor, at
	Page 39	Page 41
1	wanted to file sexual assault charges on Mr. Hunt	the time that would have been Mr. Miller, or to HR or
2	since he was being written up." Tell me exactly what	to the ethics hot line.
3	you recall Mr. Garza saying to you.	Q. Now, you indicate in parenthesis in the one,
4	A. The best I remember is Mr. Garza made the	two, the third paragraph "Note Mr. Garza has never
5	statement that if he was getting written up he wanted	mentioned the sexual harassment until today."
6	Mr. Hunt to be written up for sexual assault.	A. Correct.
7	Q. Let me ask you: As of 4-27-09 when	MS. WHITE: Objection. Form.
8	Mr. Garza was given the corrective action, had it	MR. COSTEA: What did I read wrong?
9	actually been established that Mr. Garza had used	MS. WHITE: Sexual assault.
10	racial language towards Mr. Hunt specifically calling	A. Yeah. He didn't say sexual harassment. He
11	him a stupid American?	said sexual assault.
12	A. Mr. Miller did the investigation and told me	Q. (By Mr. Costea) I'm sorry. I apologize.
13	it was.	"Sexual assault until today"?
14	Q. Did he tell you with whom, who confirmed --	A. Yes. That's correct.
15	who --	Q. So I take it that before April 27th, 2009
16	A. He did not.	you had not been aware that Mr. Garza was -- had any
17	Q. Did you ask?	issues with Mr. Hunt concerning sexual harassment or
18	A. I don't remember asking.	sexual assault?
19	Q. Now, in looking at the sexual harassment	A. Correct.
20	policy, I think it states that management has an	Q. The next paragraph states "On Tuesday, April
21	obligation to report sexual harassment.	28th, Mr. Garcia came," that's actually Mr. Garza,
22	A. Yes.	right, not Garcia?
23	Q. What about supervisors, do they also have	MS. WHITE: I think he's right here.
24	the obligation to report sexual harassment?	Q. (By Mr. Costea) You see the line which says
25	A. I believe all levels of -- I believe all	"On Tuesday, April 28th" --

11 (Pages 38 to 41)

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1 A. Yes, I do.
 2 Q. -- "Jose Garcia came to my office telling me
 3 it was unfair to being written up."
 4 A. Yes.
 5 Q. And my question is: Was Mr. Garcia -- I'm
 6 sorry, not Garcia, Garza asked to come to your office
 7 or he volunteered to go to your office?
 8 A. He volunteered to come to my office.
 9 Q. Towards the end of that paragraph, you say
 10 that later on that same day April 28th,
 11 Richard Urquhart told you to get a note pad and
 12 Bob Miller and come to his office.
 13 A. Correct.
 14 Q. And I guess you complied with that, right?
 15 A. Yes.
 16 Q. And the next seen you said Mr. Urquhart
 17 asked the two of you what you knew about Mr. Garza's
 18 sexual assault allegation and you told him what you
 19 knew, right?
 20 A. Correct.
 21 Q. Did Mr. Urquhart tell you how he had become
 22 aware that Mr. Garza was making allegations of sexual
 23 assault against Mr. Hunt?
 24 A. Mr. Garza had approached Mr. Urquhart.
 25 Q. Do you know what date?

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1 A. It was --.
 2 Q. 27th, 28th?
 3 A. I believe it was the 28t, I believe. To my
 4 knowledge, no one knew of the sexual assault until the
 5 27th when Mr. Garza mentioned it because of he was
 6 getting written up.
 7 Q. In 2009 did you keep a business calendar?
 8 A. Did I keep a business calendar?
 9 Q. Did you keep a business calendar in 2009?
 10 A. I don't understand the question.
 11 Q. Do you have a calendar at work, a work
 12 calendar?
 13 A. I have a calendar, yes.
 14 Q. Is it a business calendar where you --
 15 A. Make notes?
 16 Q. -- notes about events in the work place,
 17 appointments, so on and so forth, meetings?
 18 A. I keep a -- back then I kept some notes and
 19 a little calendar like this.
 20 Q. Okay. Do you still have your 2009 calendar?
 21 A. Oh, no. Oh, no.
 22 Q. I understand. Did you write any, any
 23 handwritten notes about any conversations you had with
 24 Mr. Garza or maybe others about Mr. Garza or his
 25 allegations or Mr. Hunt, anything like that?

1 A. I don't remember. I do not believe I did.
 2 Q. And that same paragraph you indicate in the
 3 last line that Mr. Urquhart asked you to investigate
 4 and document Mr. Garza's complaint, right?
 5 A. Asked me and Mr. Miller. I believe he asked
 6 us both.
 7 Q. Fair enough. No problem. Was Mr. Garza
 8 present for this meeting with Mr. Urquhart?
 9 A. I do not believe so.
 10 Q. So then you say that on Wednesday, April the
 11 27th you asked Mr. Garza to come to your office,
 12 right?
 13 A. I think the date is wrong here because I
 14 think it should have been if Tuesday was the 28th, I
 15 think I might have miss typed it because Wednesday
 16 should have been the 29th if that's going correct.
 17 Q. Well, it's either 29th or maybe Tuesday the
 18 28th, whatever. Anyway you asked Mr. Garza to come to
 19 your office?
 20 A. Yes.
 21 Q. And you asked him to give you a full account
 22 of when, where, and so on and so forth and --
 23 A. Who witnessed and details of the assault,
 24 yes.
 25 Q. Yes, sir. Thank you. And then you explain

1 Mr. Garza came back to you with a notarized statement,
 2 right?
 3 A. Correct.
 4 Q. I would like to ask you: You are saying
 5 that at 9:30 a.m. Mr. Garza came back and asked
 6 whatever. How do you know it was 9:30 a.m.?
 7 MS. WHITE: Objection. Form.
 8 A. I don't remember.
 9 Q. (By Mr. Costea) And how do you know that he
 10 came back at 11:20 p.m. -- I'm sorry, a.m.?
 11 A. Because I looked at my watch.
 12 Q. Now, if you typed your statement on the
 13 29th, that means that was a Wednesday, right?
 14 A. Pardon me?
 15 Q. It means that you wrote this statement, the
 16 date next to your signature or your name is 4-29-09,
 17 right?
 18 A. Yes.
 19 Q. So that means the 29th must have been a
 20 Wednesday?
 21 A. Yes.
 22 Q. So the same day that Mr. Garza brought you
 23 back the notarized statement?
 24 A. Yes.
 25 (Exhibit No. 3 marked.)

12 (Pages 42 to 45)

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1 Q. (By Mr. Costea) Mr. Butler, we are now
2 looking at Butler Exhibit No. 3; and I would like for
3 you to go through each page of that exhibit and tell
4 me if you recognize the affidavit that Mr. Garza
5 brought to you on the 29th of April of 2009.

6 MS. WHITE: Counselor, do you want to
7 direct him? I don't mind but are you directing him to
8 this particular document?

9 A. Which page?

10 Q. (By Mr. Costea) Well, I would like for you
11 to go through each page of that document and tell me
12 if you recognize the affidavit that Mr. Garza brought
13 to you.

14 MS. WHITE: Okay. I'm sorry.

15 A. This looks like the document.

16 Q. (By Mr. Costea) Well, which page of the
17 document? And by the way, Mr. Butler, you will see
18 that those documents have numbers at the bottom of the
19 page and the attorney is going to point out to you.
20 You see numbers?

21 MS. WHITE: These.

22 A. Okay.

23 Q. (By Mr. Costea) That's going to help us
24 tremendously in this deposition in our conversation.
25 You're pointing to document Bates stamped 129, right?

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1 A. To what?

2 Q. The document --

3 A. The --

4 Q. Go to the notarized statement that Mr. Garza
5 brought to you.

6 A. Okay.

7 Q. And that document document has a number at
8 the bottom of the page. It says 129, right?

9 A. Yes.

10 Q. So, again, I'm trying to establish: Is this
11 the affidavit or the notarized statement that
12 Mr. Garza brought back to you on April 29th, 2009?

13 A. To my knowledge, this is the paper he
14 brought to me.

15 Q. Did you have any conversations or any
16 communications with him about this notarized
17 statement?

18 A. I do not believe so.

19 Q. Did you -- did he actually give it to you?

20 A. I do not remember.

21 Q. Did you at some point read it?

22 A. Yes.

23 Q. Did you read it on the 29th?

24 A. If that's the day I received it, yes.

25 Q. After April the 29th, 2009, do you recall

1 having had any conversations with Mr. Garza about his
2 allegations of sexual assault/sexual something,
3 harassment, so on and so forth by Mr. Hunt?

4 A. I do not believe I had a conversation with
5 him.

6 Q. Now, Mr. Urquhart was the plant manager, I
7 think?

8 A. I think that was a title we gave him. I
9 think his actual title was director of plant
10 operations or something like that. He's actually the
11 in more laymen's terms the facility manager or plant
12 manager.

13 Q. So he was over the whole plant, the whole
14 facility at 529?

15 A. Correct.

16 Q. From what I understand, he's gone?

17 A. I believe he still works for the company. I
18 believe he's been transferred to Minnesota.

19 Q. Do you know who replaced him in his
20 position?

21 A. A gentleman by the name of Anirban,
22 A-n-i-r-b-a-n Batergy.

23 Q. Did you go back to Mr. Urquhart at some
24 point to report to him concerning your investigation
25 into Mr. Garza's complaint of sexual harassment/sexual

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1 assault?

2 A. Ask it again, please.

3 Q. Did you go back to Mr. Urquhart to report on
4 your investigation of Mr. Garza's complaint about
5 Mr. Hunt?

6 A. I let Mr. Urquhart know that the corporate
7 office was investigating.

8 Q. What do you mean the corporate office?

9 A. I had asked the corporate office to do an
10 investigation on it.

11 Q. So you yourself did not do the
12 investigation?

13 A. On the sexual assault?

14 Q. Right.

15 A. Correct.

16 Q. Who did the investigation in corporate?

17 A. I called Mr. Allchin and Jeff Dodd and

18 Mr. Allchin sent a lady by the name of Meredith and I
19 believe her name at the time was Black who was
20 co-equal of Mr. Allchin. They both worked directly
21 for Mr. Dodd. I think Mr. Allchin was busy, and so he
22 sent Meredith Black out.

23 Q. And these three individuals, they were in
24 the corporate HR?

25 A. Yes.

13 (Pages 46 to 49)

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1 Q. How did you communicate with them about 2 Mr. Garza? By phone, in person, by email? 3 A. I believe it was by phone. 4 Q. When did you -- whom did you call? 5 Mr. Allchin, Mr. Dodd, or Ms. Black? 6 A. I'm not sure. I believe I called Mr. Dodd, 7 but I may have called Mr. Allchin. 8 Q. And -- 9 A. I know I did not call Ms. Black. 10 Q. Yes, sir. Thank you. When did you call 11 them? On the 28th, the 29th because on the 28th you 12 got your instructions from Mr. Urquhart? 13 A. Probably would have been the afternoon of 14 the 28th. 15 Q. What did you tell them, Mr. Allchin or 16 Mr. Dodd? 17 A. Basically that had a complaint of a sexual 18 assault. 19 Q. Did you give names? Garza and hunt? 20 A. I'm not sure if I gave the name of 21 Jose Garza or not. 22 Q. Did you tell them that Mr. Urquhart had 23 asked you to investigate? 24 A. I'm not sure if I told them Mr. Urquhart 25 asked me. Mr. Urquhart didn't ask me to call the	1 A. To my knowledge, yes. 2 Q. And with whom did Ms. Black speak? 3 A. She met with Mr. Hunt, she met with 4 Mr. Garza, she met with Mr. Miller, she met with 5 several of the other people, Mr. Lopez and several of 6 the coworkers of Mr. Garza and Mr. Hunt. 7 Q. All right. 8 A. And she -- I was not present for any of 9 those. 10 Q. I was going to ask you that question. 11 A. I wanted it to be a complete and unbiased 12 third set of eyes on this. 13 Q. I understand. So do you know if Ms. Black 14 wrote, kept any notes, drafted anything? 15 A. To my knowledge, yes, she made notes. 16 Q. Handwritten notes? 17 A. Handwritten notes. 18 Q. I'm sorry? 19 A. To my knowledge, she made handwritten notes. 20 Q. Do you know whether or not she wrote a 21 report of her investigation? 22 A. I never saw a report. 23 Q. Did you have any conversations with her 24 about her findings? 25 A. She eventually had verbally told me that she	1 felt his allegation was unfounded and recommended the 2 write-up of the suspension. 3 Q. Ms. Black recommended that Mr. Garza be 4 suspended? 5 A. I believe so. 6 Q. Because she concluded that his sexual 7 harassment complaint was unfounded? 8 MS. WHITE: Objection. Form. 9 Q. (By Mr. Costea) Well, did it cross your 10 mind at that point in time that you were dealing here 11 with an unlawful retaliation? 12 MS. WHITE: Objection. Form. 13 Q. (By Mr. Costea) Were you concerned about 14 that? 15 A. No, I was not. 16 Q. Do you know the exact title for Ms. Black's 17 position back in 2009? I know she was in HR. 18 A. I don't know. I do not know her title. 19 Q. Now, did she make that recommendation to you 20 in the presence of a third person such as Mr. Miller? 21 A. I do not know. I do not remember. 22 Q. Please go in document No. 4, go to Exhibit 23 No. 3. 24 A. Of Landis? 25 Q. Yes, sir. Thank you.

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	every answer that you give me.
1 MS. WHITE: I think he said page 3. 2 Q. (By Mr. Costea) Yes, sir. Page 3. Page 3 3 is a corrective action document on Mr. Garza with a 4 date of May the 1st, 2009, right? 5 A. Yes. 6 Q. And I now think I understand. The witness 7 signature is Meredith Black, the person that you and I 8 have been talking about, right? 9 A. Yes. 10 Q. Were you present when this corrective action 11 report was given to Mr. Garza? 12 A. I was. 13 Q. You were? 14 A. Yes. 15 Q. So it was you, Mr. Black, and Mr. Miller, 16 right? 17 A. And Mr. Garza. 18 Q. And Mr. Garza. Do you know who actually 19 drafted or typed up the description of incident 20 portion of this write-up? 21 A. I believe it was Ms. Black. 22 Q. And how do you know that? 23 A. I believe she asked me to use my computer 24 and I stepped out of the room. 25 Q. And did she do that on May the 1st of 2009?	
	1 A. Right. Mr. Allchin and Ms. Black were, I 2 guess, ranked the same. Like I said they both worked 3 directly for Mr. Dodd. 4 Q. I may have asked you this question. It's 5 not in my notes, but did Ms. Black show up on the 29th 6 to start the investigation? 7 A. I do not remember. 8 Q. But anyway between the afternoon of the 28th 9 and the 1st of May of 2008 -- of 2009, the 10 investigation into the sexual assault allegation by 11 Mr. Garza was complete? 12 A. Yes. She was out for a couple of days. 13 Q. Who was out? 14 A. She was out there for a couple of days 15 interviewing -- 16 Q. Folks? 17 A. -- the various people in the department. 18 Because she interviewed for two days I know for a 19 fact. 20 Q. And you said that she interviewed you as 21 well. And I guess she was taking notes as you were 22 talking? 23 A. Yes. 24 Q. So tell me about this write-up or actually
Page 55	Page 57
1 A. I believe that was the date, yes. 2 Q. So then the 29th, you called her on the 28th 3 which was -- and you're welcome to look at your 4 statement here. I'm trying to develop a time line. 5 A. Okay. 6 Q. So you called her up the afternoon of -- 7 MS. WHITE: I'm sorry. Finish. 8 Q. (By Mr. Costea) You called her up or 9 Mr. Dodd -- you called the HR corporate office the 10 afternoon of April 28th, right? 11 A. Yeah. I don't think I called Ms. Black 12 because I think I spoke to Mr. Dodd, Mr. Allchin. 13 Mr. Allchin normally handled the investigations, the 14 majority of them for Mr. Dodd. Mr. Allchin was busy 15 because Ms. Black showed up to do the investigation. 16 Q. And I appreciate you stopping me and 17 correcting me. 18 A. Okay. 19 Q. Just -- 20 A. I know I didn't speak to Ms. Black about 21 this. 22 Q. Perfect. I'm trying to get accurate facts. 23 And, again, if I ask you the same question twice, 24 forgive me and don't even answer the question if I ask 25 you the same question twice but I cannot take down	1 it's called suspension final warning it's called. So 2 she asked you to leave the office so she can use your 3 computer to write this write-up? 4 A. Correct. Well, I don't remember if she 5 asked me to leave the office. I remember leaving the 6 office, walking out so she could have free use of my 7 desk and my computer. 8 Q. Your computer. Was that the morning of May 9 the 1st? 10 A. I do not recall if it was morning or 11 afternoon. 12 Q. And do you remember how long it took her to 13 draft this suspension/final warning? 14 A. I do not remember that. 15 Q. And I guess she instructed you to call 16 Mr. Garza in for a meeting? 17 A. No. What happened is Mr. -- she had 18 Mr. Miller bring Mr. Garza into Mr. Miller's office 19 and she asked me to go down with her and be present. 20 Q. Now, have you seen different versions of 21 this corrective action report of May 1st, 2009? 22 A. Different version? 23 Q. Yes. 24 A. I don't know what you mean. 25 Q. Like, you know, maybe a draft of this

15 (Pages 54 to 57)

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1 suspension/final warning?

2 A. I don't remember seeing any draft.

3 Q. Anything different, okay. Now, what about
4 the suspension of three days 5-4, 5-5, and 5-6, who
5 came up with those dates?

6 A. Ms. Black. Well, Ms. Black decided on the
7 three days. I think Mr. Miller decided those specific
8 days.

9 Q. According to our chronology here, Wednesday
10 was the 29th, Thursday was the 30th, and Friday was
11 the 1st of May. So May the 4th would have been a
12 Monday, May the 5th a Tuesday, and May the 6th a
13 Wednesday, right?

14 A. I don't have the calendar what it is. It
15 would normally be three consecutive days.

16 Q. In looking at this document, let's see what
17 was I was going to ask you? You know what,
18 Mr. Butler, I apologize. In light of our conversation
19 right now, I want to ask you: Did you inform
20 Ms. Black that you have received a -- the charge of --
21 Mr. Garza's charge of discrimination from the EEOC?

22 A. I don't think I had received it by that
23 time.

24 Q. No. No. Once you got it, once you received
25 it, did you call her up to tell her you had

1 A. On mine?

2 Q. Yes, sir. Which is the written affidavit
3 page 129, the notarized statement that Mr. Garza gave
4 you.

5 A. Wait a minute. I'm having trouble finding
6 it.

7 Q. No, sir, it's in a different. It's Exhibit
8 3 right there?

9 MS. WHITE: Look at this number.

10 A. 129, okay.

11 Q. (By Mr. Costea) Did you give that notarized
12 statement to Ms. Black or a copy of it as part of her
13 investigation?

14 A. I do not remember.

15 Q. In the --

16 A. I believe I sent this to the corporate
17 office. Whether Mr. Dodd gave it to her or not, I
18 don't -- I don't remember giving it to her.

19 Q. Do you recall having communicated by email
20 with the corporate office concerning Mr. Garza? I
21 asked you about Mr. Urquhart asking you to do an
22 investigation. Now I'm asking you about communicating
23 by email with corporate office.

24 A. I don't remember.

25 Q. Are you receiving any emails from them?

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1 received --

2 A. I don't believe I called Ms. Black. I
3 believe I told Mr. Dodd.

4 Q. Just the corporate office. And I apologize
5 for my follow up, but do you recall any conversations
6 with Ms. Black about the charge of discrimination?

7 A. No, I don't. I do not.

8 Q. So Mr. Garza is brought in; and he refuses
9 to sign, right?

10 A. Correct.

11 Q. Was he at all, I don't know, impolite,
12 screaming, yelling, vulgar when he was given this --
13 faced with this write-up?

14 A. I don't remember. I believe he was somewhat
15 upset.

16 Q. Did he say anything?

17 A. I don't remember what was said.

18 Q. Did Ms. Black take any notes during this
19 meeting with Mr. Garza?

20 A. When he was presented this corrective
21 action?

22 Q. Right.

23 A. I don't believe she took any notes at that
24 time.

25 Q. Now, please go to your Exhibit No. 3.

1 A. I don't remember.

2 Q. You don't remember. All right. Now, in the
3 body of the notarized statement, Mr. Garza states
4 towards the end of the statement, he says "Mr. Hunt
5 also had a similar behavior with Miguel Gutierrez,
6 another coworker, and this incident was reported
7 directly to Will Goff." Do you know anything about
8 any sexual assault, sexual harassment by Mr. Hunt on
9 Mr. Miguel Gutierrez?

10 A. No, sir.

11 Q. Do you know Mr. Gutierrez?

12 A. Yes.

13 Q. Is he still working with the company?

14 A. I do not know.

15 Q. That's right. You left October, 2010. I
16 think that's all I have about that exhibit. Let's
17 continue to look at documents in Exhibit No. 2.

18 A. Which number?

19 Q. Yes, sir, in that exhibit. So we are done
20 with your statement. Well, no. Let's see, on 4 -- I
21 want to focus on the second page, the last sentence of
22 your statement. On 4-29 Mr. Garza asked you if
23 Mr. Hunt had been written up and you told him that
24 privacy act prevents you from discussing other
25 people's disciplinary issues with him, right?

16 (Pages 58 to 61)

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1	A. I did tell him that.	1 Q. That's not your handwriting, right?
2	Q. What privacy act is that?	2 A. No. I normally print. Not very well.
3	A. Privacy act of 1974. I don't discuss	3 Q. Then going on to document 216 in that same
4	disciplinary actions with any employees referring to	4 exhibit, we have a handwritten document and I'm able
5	another employee at any time.	5 to understand the signature more or less Rudy Lopez.
6	Q. We'll have to look it up. Privacy act of	6 Is that what your understanding is?
7	1974.	7 A. Yes.
8	A. I think that's what it is.	8 Q. And the name -- I'm sorry, the written
9	Q. Thank you very much, sir. Now, in your	9 statement "team lead person," is that your handwriting
10	communications with Ms. Black, was any thought given	10 or somebody else's?
11	11 A. That's somebody else's.	
12	to giving Mr. Hunt a reprimand or some form of	12 Q. Do you recognize it?
13	disciplinary action?	13 A. I do not.
14	A. From me?	14 Q. Going on to page 217, we have a statement
15	Q. From the company? From you, from her?	15 from Miguel Gutierrez or it's -- it seems to indicate
16	A. I have no idea of any disciplinary action	16 it's a statement from Miguel Gutierrez where he
17	that would have been done to Mr. Hunt on this. Like I	17 indicates that about a month and a half to two months
18	said, she did an independent investigation. I was not	18 prior Mr. Hunt called him Miguela. Did you know
19	present for what was said and who said what. She is	19 anything about that incident before April 30th of
20	the one that determined after her investigation that	20 2009?
21	she thought it was unfounded and it was in retaliatory	21 A. No, I did not.
22	to being written up.	22 Q. What about another incident that
23	Q. Going on to another page in that exhibit and	23 Mr. Gutierrez identifies in that same paragraph where
24	it's document 215. We have a statement from	24 he states that Mr. Hunt quote "Pulled his overalls
25	William Goff. I'm able to read William Goff; and that	25 back exposing his breasts"? Anyone told you about
1	A. There was two William Goffs. There was a	1 that?
2	senior and a junior.	2 A. No.
3	Q. Do you know which one this one is?	3 Q. Now, who was Mr. Gutierrez's lead man in
4	A. I would assume it was probably the senior	4 April of 2009?
5	because he was a lead man. He was like a foreman or	5 A. I'm not sure. Mr. Miller had several -- he
6	whatever. I'm just guessing.	6 had I think three lead people: Rudy Lopez,
7	Q. Did he write this statement in your	7 William Goff, and I think a Henry Casianes. I'm not
8	presence?	8 sure which one was his lead man.
9	A. I don't know if -- I don't think he wrote it	9 Q. This paragraph states that after the second
10	in my presence but when I -- when I received it, I	10 incident, it says "We went immediately into
11	wrote his name under it so I would know who that	11 Will Goff's office" and I presume that's Mr. Hunt
12	signature was.	12 along with Mr. Gutierrez, whatever, Mr. Gutierrez is
13	Q. You said that you wrote his name on this	13 not here to explain the statement to us. But my
14	document?	14 question for you is: Did Mr. Goff tell you
15	A. I put William -- looks like he put Willie	15 approximately a month and a half or two months before
16	something. I wrote William Goff under it.	16 April 30th, 2009 that Mr. Gutierrez had complained to
17	Q. So under the date 4-30-09, the name	17 him about Mr. Hunt?
18	William Goff, that's your handwriting?	18 A. No. I told you while ago I did not hear
19	A. Correct.	19 about this until April 30th.
20	Q. What about the second half of that document	20 Q. Well, do you think that Mr. Goff should have
21	William Goff and some handwritten statements, whose	21 informed you of this these incidents?
22	handwriting is that?	22 A. That would just be my speculation.
23	A. On where? Down at the bottom?	23 Q. Well, based upon the sexual harassment
24	Q. Yes.	24 policy of the employer.
25	A. I'm not sure.	25 A. I think Mr. Goff should have told either

17 (Pages 62 to 65)

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1 Mr. Miller, myself, or called the ethics line, yes.
 2 Q. And if they had called you, what would you
 3 have done?
 4 A. I probably would have found out if the
 5 investigation if it was true or not.
 6 Q. Does it seem -- upon reading this statement,
 7 did it seem odd to you that a man would pull his
 8 overalls back to expose his chest or his breasts to
 9 another man?
 10 A. Do I -- ask that again.
 11 Q. That's pretty odd, isn't it?
 12 A. I would say so.
 13 Q. Especially in the work place?
 14 A. Probably anywhere.
 15 Q. Well, okay. I know it's tedious; but I need
 16 to find out what you know, sir. Bottom of the page
 17 217, it says "Team leader assembly area." Is that
 18 your handwriting? I guess not?
 19 A. It is not.
 20 Q. And you do not know whose it is?
 21 A. I do not know who it is.
 22 Q. Okay.
 23 A. I believe these notes are actually from
 24 Meredith Black's investigation. I'm not sure.
 25 Q. Let's go on to page 218.

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1 A. Like I said, I don't normally do cursive
 2 handwriting. I normally print. So I know it's not my
 3 handwriting.
 4 Q. We're going on to page 218 and 219. And I
 5 would venture to say that the notes on those two pages
 6 are not yours, right?
 7 A. No.
 8 Q. And you don't recognize the handwriting?
 9 A. No.
 10 Q. You think it might be Ms. Black?
 11 A. I'm thinking that 218 and 219 might be
 12 Mr. Miller's, but I'm just speculating.
 13 Q. Mr. Miller?
 14 A. Yes. It could be Ms. Black's. I don't
 15 know. It's not mine.
 16 Q. Well, have you seen Mr. Miller take notes
 17 during any meetings that you had with him and with
 18 Mr. Garza?
 19 A. I don't remember.
 20 Q. Okay. Let's jump to document No. 7.
 21 A. This is the one?
 22 Q. Yes, sir. Same question. Have you seen
 23 Exhibit No. 7 before?
 24 A. I do not remember seeing this, no.
 25 Q. Have you seen forms such as this one Job

1 Skills Inventory for Employees of National Oilwell
 2 Varco?
 3 A. I'm not sure. It looks like one that they
 4 used when I first started with the company but I
 5 can't -- I never used it myself when I was in HR.
 6 Q. Do you know who fills out these forms? Is
 7 it the employee or their supervisor?
 8 A. I do not know.
 9 Q. Please look at the line that says "List any
 10 additional education or training" and I'm focusing on
 11 that line and it says "Two years college law school."
 12 Do you see that?
 13 A. Yes.
 14 Q. Kind of odd, isn't it?
 15 A. Yes.
 16 Q. Did Mr. Garza have two years of law school
 17 as of January of 2006?
 18 MS. WHITE: Objection. Form.
 19 A. I have no idea. Once again, this is before
 20 I came into -- got into HR.
 21 Q. (By Mr. Costea) Let's go on to document --
 22 Butler Exhibit 4. That's the document you just
 23 touched. That one.
 24 A. Butler or Landis 4?
 25 Q. Landis 4. I'm sorry. Going on to the next

1 page which is page Bates stamped 193. It's a
 2 corrective action statement or report for Mr. Garza
 3 with a date of August the 13th of 2009, right?
 4 A. Yes.
 5 Q. Have you seen this document before?
 6 A. Yes.
 7 Q. Did you see this document around August of
 8 2009?
 9 A. I don't remember the date.
 10 Q. Were you present when this corrective action
 11 statement was given to Mr. Garza?
 12 A. I do not remember.
 13 Q. Are you familiar with the incident
 14 identified in this corrective action report?
 15 A. I do not remember.
 16 Q. Going on to the last page of that document,
 17 Mr. Butler, in looking at that form, it has a date of
 18 10-28-2009. It's a termination --
 19 A. Yes.
 20 Q. -- report for Mr. Garza and the reason for
 21 termination it says "The employee was terminated due
 22 to several acts of insubordination to supervisors,"
 23 right?
 24 A. Yes.
 25 Q. And that's your signature?

18 (Pages 66 to 69)

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1	A. Yes.	A. To my knowledge, yes.
2	Q. The date next to your signature is 10-28-09?	Q. Now, who made the decision to fire
3	A. Correct.	Mr. Garza?
4	Q. And I take it that you are the one that	A. Mr. Jeff Dodd.
5	filled out this form?	Q. When did he make that decision in relation
6	A. Yes.	to 10-28-09? I tell what you, let's not really tax
7	Q. Including the reason for the termination?	your memory. Let's go ahead and look at Landis
8	A. Yes.	Exhibit 5 which is right there. We'll get to Mr. Dodd
9	Q. As of 10-28-2000, can you identify for me	in one second. I'll represent to you that Exhibit 5,
10	the several acts of insubordination to supervisors	again, is a compilation of documents that defense
11	that Mr. Garza had committed which you allege here	counsel has given to me in the course of this
12	resulted or prompted his termination?	litigation. And I will just go to the second page of
13	A. The -- I do not recall all of.	Exhibit 5. Just go to the second page, sir, that is
14	Q. I tell you what. Let's work our way	statement -- well, that statement I'll represent to
15	backwards.	you Mr. Landis testified earlier today is his
16	A. Okay.	statement and his name appears in that -- on that
17	Q. I'm looking at the write-up or the	page, right?
18	corrective action report of August the 13th of 2009.	A. Correct.
19	Is that an insubordination document? The	Q. He indicates in his statement that at about
20	insubordination box is not checked, right?	3:30 p.m. on Tuesday, October 27th, 2009 Mr. Garza
21	A. No.	stopped him on the shop floor and demanded that he be
22	Q. The prior corrective action report of May	moved from draw works to the mud pump assembly. And
23	1st, 2009, does not reflect insubordination, does it?	then some events happened; and then right towards the
24	A. No.	end of that paragraph, it states that "At that point
25	Q. The prior write-up of April 24th, 2009 does	we asked Mr. Garza to join us at the office of
	Page 71	Page 73
1	not reflect insubordination, right?	Bill Butler." Do you see that?
2	A. No.	A. Yes.
3	Q. The previous write-up of July the 10th of	Q. Do you recall on the 28th -- 27th of October
4	2007 does have the box insubordination checked, right?	of 2009 Mr. Jack Landis, Kevin Warren, Rudy Lopez, and
5	A. Yes.	Mr. Garza coming to your office?
6	Q. So did you know as of October 28th, 2009	A. I don't remember Mr. Lopez being there. I
7	that Mr. Garza had an insubordination document placed	do remember Mr. Landis and Mr. Garza and Mr. Warren.
8	in his personnel file dating back to July the 10th of	Q. Thank you very much for clarifying that.
9	2010?	A. Mr. Lopez may have been there, but I don't
10	A. I'm sorry. Ask that again.	remember.
11	Q. As of October 28th, 2009, did you know that	Q. So you remember these three -- distinctly
12	Mr. Garza had an insubordination document placed in	these three individuals coming to your office?
13	his personnel file dating back to June -- I'm sorry,	A. Yes.
14	July 10th of 2007?	Q. What were you told?
15	MS. WHITE: Objection. Form.	A. That Mr. Garza had allegedly finished his
16	A. I do not remember.	work task and was standing around. Mr. Warren asked
17	Q. (By Mr. Costea) Do you recall then -- I	him to do some housekeeping issues, basically clean up
18	apologize; but I need to know what acts of	the shop floor and Mr. Garza refused to pick up the
19	insubordination Mr. Miller -- I'm sorry, Mr. Garza had	broom.
20	committed that resulted in his termination.	Q. Now, did these three individuals come to see
21	A. I do not remember.	you together or only Mr. Warren came to see you along
22	Q. Is the statement "Employee was terminated	with Mr. Landis first?
23	because of several acts of insubordination to	A. To my knowledge, all three came at the same
24	supervisors" accurate at the time that you put that in	time.
25	the termination report?	Q. Did Mr. Garza say anything?

19 (Pages 70 to 73)

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1 A. That -- I don't remember the exact words but
2 basically he wasn't going to sweep.
3 Q. Did the name of Mr. -- did Mr. Steve Hunt's
4 name come up in that conversation?
5 A. Not to my knowledge.
6 Q. Now, in the body of that statement, it
7 states that Mr. Garza indicated that Mr. Garza was not
8 comfortable working with Steve Hunt. Did anyone
9 mention that to you?
10 A. No, I don't even know if they were still
11 working together at that time. I don't know. But,
12 no.
13 Q. Sir?
14 A. No. No one said that.
15 Q. Okay.
16 A. Mr. Garza never came back after the initial
17 complaint and complained about Mr. Hunt to me.
18 Q. I'm just trying to figure out what you were
19 told on the 27th of October of 2009. Let's see.
20 Maybe it's in here. Mr. Butler, yes, we do have your
21 statement. If you'll go to page 134.
22 A. Okay.
23 Q. Now it's easier on you and me. All right.
24 You typed up your statement on April 30th, 2009?
25 MS. WHITE: Objection. Form.

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1 Q. (By Mr. Costea) Is that what it says at the
2 top October 30th, 2009?
3 A. I see October 30th, yes.
4 Q. And that was two days after you issued the
5 termination -- you wrote -- you signed the termination
6 report, right?
7 A. Yes.
8 Q. Well, let's develop the facts, the sequence
9 of events based upon your statement. You indicate
10 that on October 27th, '09 Mr. Warren, Mr. Landis, and
11 Mr. Garza came to your office at 3:45 p.m. and you
12 indicated Mr. Warren stated Mr. Garza would not do the
13 work task that he was assigned and you told me about
14 that so far.
15 A. No.
16 Q. Sir?
17 A. No, there's nothing wrong with that so far.
I think that's accurate.
18 Q. Sir?
19 A. I believe that was accurate to what
happened.
20 Q. Right. And then in that same paragraph, you
say that Mr. Garza said that he did not like using a
broom and said that he wanted to transfer to a
different work area, right?

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1 A. Yes.
2 Q. Did he -- so he did say in your presence
3 that he wanted to move out?
4 A. He wanted a different supervisor than
5 Mr. Warren.
6 Q. Well, no. It says he wanted to transfer to
7 a different location, right?
8 A. That's what that would have meant.
9 Q. Did Mr. Garza state in your presence why he
10 wanted to transfer to a different work area?
11 A. I don't remember. I don't think so.
12 Q. And then you say that you asked Mr. Garza to
13 step out of the office and you called a person by the
14 name of Anirban Banerjee?
15 A. Correct.
16 Q. Is that how you pronounce that name?
17 A. Yes.
18 Q. That's A-n-i-r-b-a-n, last name
B-a-n-e-r-j-e-e. And you say that Mr. Anirban asked
you to suspend Mr. Garza for the rest of the afternoon
and the next day until we had had a chance to speak
with Jeff Dodd and you told me about that. So did you
alone speak with Mr. Dodd or in the presence of
Mr. Anirban?
25 A. That day?

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1 Q. Well, whenever you spoke with Mr. Dodd. Did
you speak with him more than once on the 27th, 28th?
3 A. Prior to October 27th or 28th?
4 Q. Well, you said that you -- I'm getting back
5 to your testimony just a short while ago that Mr. Dodd
6 recommended that Mr. Garza be fired, right?
7 A. Yes. I believe it was a conference call
8 that we had Mr. Banerjee, Mr. Miller present, and
9 myself.
10 Q. A phone conference?
11 A. With Mr. Dodd.
12 Q. The three of you?
13 A. The three of us with Mr. Dodd.
14 Q. Do you recall approximately how long that
conference, that phone conference was?
15 A. I do not.
16 Q. So I take it then for a fact that Mr. Landis
was not present for that conference?
17 A. Yeah, Mr. Landis --
18 Q. Was not?
19 A. -- Mr. Banerjee and myself.
20 Q. Oh, I see. Mr. Landis was also there for
the phone conference?
21 A. Yes. Mr. Landis, Mr. Banerjee, and myself
22 was on the phone with Jeff Dodd.
23
24
25

20 (Pages 74 to 77)

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1	Q. Okay. Four folks. Did Mr. Landis recommend 2 that Mr. Garza be fired? 3 A. I do not remember. 4 Q. Did you recommend that he be terminated? 5 A. I did not. 6 Q. Did Mr. Anirban recommend that Mr. Garza be 7 fired? 8 A. I do not remember. 9 Q. The four of you, who first talked about 10 terminating Mr. Garza? 11 A. I do not remember. 12 Q. Did you write a report -- well, strike 13 that. 14 In the -- that same paragraph you say 15 that you brought Jose back to your office with Kevin 16 and Jack still present and you told him that he was 17 being verbally suspended for the rest of the day, 18 right, until you spoke with corporate HR? 19 A. Yes. 20 Q. After you told him that, that was when the 21 conference with Mr. Dodd occurred, right? 22 A. I think it was the following day, I believe. 23 Q. And you are right. I apologize. It's in 24 your next paragraph, the second paragraph on that 25 page. Let me ask you about the second sentence. "It	1 he's been documented as being insubordinate in the 2 past"?" 3 A. I do not remember. 4 Q. In light of your testimony so far, 5 Mr. Butler, I need to conclude and, you know, don't 6 feel bad about this, would you agree with me that the 7 statement "several instances documenting 8 insubordination in the past" is a false statement? 9 MS. WHITE: Objection. Form. 10 A. I do not. 11 Q. (By Mr. Costea) You do not? 12 A. No. 13 Q. But you cannot factually substantiate it for 14 me, correct? 15 MS. WHITE: Objection. Form. 16 Q. (By Mr. Costea) You cannot tell me when, 17 where, and how and so on and so forth? 18 A. I cannot. 19 Q. All right, sir. I appreciate that. And 20 then the second part of that sentence says quote 21 "Mr. Garza had never corrected his disruptive 22 behavior" and I want to talk with you about that. 23 What was his disruptive behavior? I know that he 24 received a suspension on May the 1st, 2009. You 25 remember that document, right?
1	was decided that with the several instances 2 documenting insubordination in the past and Mr. Garza 3 had never corrected his disruptive behavior that 4 employment termination was appropriate" and I 5 apologize, Mr. Butler, but, again, this is the second 6 time we find in a document where you reference several 7 instances of documented insubordination by Mr. Garza 8 and unfortunately I have to ask you in light of this 9 statement: What were those, if you know? 10 A. I do not remember. 11 Q. And you are saying that those instances are 12 documented, right? Right? 13 A. I do not remember. 14 Q. Now, let me ask you then: In this phone 15 conference that you had with Mr. Dodd, the four of 16 you, did you look at any documents? 17 A. I do not understand. 18 Q. Well, did you tell Mr. Dodd, for instance, 19 "Hey, I'm looking up in his personnel file and he has 20 several instances of documented insubordination"?	1 A. Yes. 2 Q. Is that what you're talking about that that 3 type of disruptive behavior continued after May the 4 1st of 2009? 5 A. There were several instances that was not 6 documented. 7 Q. Thereafter? 8 A. Yes. 9 Q. Can you explain -- can you give me -- can 10 you give me those facts, those instances? 11 A. I know he spoke to Mr. Dodd several times 12 because Mr. Garza had came in and he wasn't happy with 13 his work assignment and Mr. Dodd just basically said, 14 "Hey, we've got you to do a job." I know Mr. Garza 15 left the facility one time at lunchtime without 16 clocking out which is against company policy. And 17 Mr. Dodd told him he has to follow the rules and just 18 like the other employees that we value his service and 19 his expertise but we have a job to do. 20 Q. Right. I am focusing on disruptive 21 behavior, sir, not on him going to lunch without 22 clocking out. 23 A. Well, when he tells the lead person he's not 24 going to do a job in front of the coworkers, I figure 25 that is an insubordination.
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1 Q. Okay. I'm asking about disruptive
2 behavior.

3 A. I think that's very disruptive.

4 Q. So it's insubordination, and it's disruptive
5 as well?

6 A. I believe so.

7 Q. Okay. Can you tell me between May the 1st,
8 2009 and October 27th, 2009 other than this incident
9 of quote insubordination, what else did he do to
10 display disruptive behavior in the work place?

11 A. I had several employees tell me that he
12 threatened to get them fired.

13 Q. Well, I need names.

14 A. Rudy Lopez was one of them.

15 Q. Who else?

16 A. Kevin Warren was one of them.

17 Q. Sir, go ahead.

18 A. I think Rudy Lopez was one of them. I think
19 Kevin Warren was one of them.

20 Q. Kevin Moore?

21 A. Kevin Warren, W-a-r-r-e-n.

22 Q. I need the other names.

23 A. I think Miguel Gutierrez. I don't know
24 of -- I can't think of any other names off hand. It's
25 been years ago.

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1 Q. Did you -- and, again, I am asking you:
2 This happened between May the 1st, 2009 and October --

3 A. To my knowledge, that's when it happened.

4 Q. And how do you know it happened during that
5 window?

6 A. To my knowledge, that's the best I remember.

7 Q. Did you -- did you document?

8 A. I do not believe I did.

9 Q. Why not?

10 A. I wasn't present to hear. It would have
11 been third party.

12 Q. Sir?

13 A. It would have been a third party complaint.

14 Q. What do you mean?

15 A. I didn't hear Mr. Garza threaten employees.

16 Q. Well, your testimony was Mr. Lopez came to
17 you and said "Mr. Garza is threatening to get me
18 fired"?

19 A. He had threatened him, yes.

20 Q. With getting him fired?

21 A. Yes.

22 Q. Do you recall the statements that we have
23 looked at?

24 A. Like I said, I don't know if it's before May
25 1st or after May 1st.

1 Q. You recall the written record that we have
2 in front of us indicates that incidents of that nature
3 happened before May the 1st of 2009?

4 A. I cannot say.

5 Q. So you cannot say that these incidents
6 happened after May the 1st of 2009?

7 A. I cannot say.

8 Q. In the same paragraph in the middle of the
9 paragraph, the last paragraph, Mr. Butler, it states
10 that Jose said he wanted a copy of his termination so
11 he could file for unemployment benefits.

12 A. Correct.

13 Q. And I see your response. Did you tell him
14 that the company would fight unemployment?

15 A. No, I did not.

16 Q. Was Ms. Black at all involved in the
17 conversations leading up to Mr. Garza's termination?

18 A. I do not know.

19 Q. Now, I see that you gave a statement about
20 the events leading up to his termination, Mr. Lopez
21 gave a statement about the events leading up to his
22 termination, Mr. Warren, Kevin Warren did provide a
23 statement and Mr. Landis provided a statement. Was
24 Mr. Garza asked to provide his written version of what
25 actually transpired during the last two or three days

1 of his employment with the company?

2 A. I do not know.

3 Q. Did you ask Mr. Landis to write a report of
4 what happened?

5 A. I don't remember asking him.

6 Q. Did you ask Mr. Warren to write a statement
7 about what happened?

8 A. I'm not sure. I don't remember asking him.

9 Q. Did you ask Mr. Lopez to write a statement
10 about what happened?

11 A. I do not remember asking him.

12 Q. Please go the page 1, 2, 3, 4 of Exhibit No.

13 5.

14 A. Which page?

15 Q. It's Kevin Warren's statement.

16 A. What number is it?

17 Q. 132.

18 A. Okay.

19 Q. The top of the page says "Kevin Warren's
20 statement concerning conversation with Jose S. Garza."
21 The date at the top is October 29, 2009, right?

22 A. Yes.

23 Q. Do you know whether or not Mr. Warren
24 himself typed up this document?

25 A. I have no idea.

22 (Pages 82 to 85)

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<p>1 Q. Do you know whether or not your secretary 2 was the one that actually typed up these statements? 3 A. I do not know. 4 Q. Fair enough. Now, you will see that 5 Mr. Kevin Warren signed this statement on October 6 27th, 2009, right? 7 A. I see that. 8 Q. How is it possible for Mr. Warren to sign a 9 statement -- this statement on 10-27-2009 when this 10 document appears to have been typed up on October 11 29th, 2009? 12 MS. WHITE: Objection. Form. 13 A. I have no idea. 14 Q. (By Mr. Costea) I think that's all I have 15 about this statement, Mr. Butler. I don't have that 16 much longer for you, Mr. Butler; but you're welcome to 17 take a break if you need one. Do you need a break? 18 A. No, I'm fine. 19 Q. Okay, sir. Thank you. Please go to Butler 20 Exhibit 3 and I'll represent to you that what you have 21 in front of you, sir, on the first page, page 1 and 22 page 2 of Exhibit No. 3 is a typed up statement. I 23 think it's even sworn. It is a sworn statement by 24 Mr. Garza. It says "Affidavit of facts." The first 25 line he says "Yesterday," which was October 27th, "I</p>	<p>1 it identifies a date for the employment application of 2 1-5-2006. You were not at the 529 plant in January of 3 2006, right? 4 A. I was there. 5 Q. You were? 6 A. In the health and safety environmental. I 7 started in 2001. 8 Q. You were not in HR? 9 A. I was not in HR until December of 2006. 10 Q. Now, you have to trust me on this one. I'll 11 represent to you that there has been testimony that 12 Mr. Garza began his employment with National Oilwell 13 in September of 2005. Okay? 14 A. That's quite possible. 15 Q. Fair enough. And maybe you can explain to 16 me why the gap between the date of his hire and the 17 date of his employment application? How does that 18 work? 19 A. I believe that him and his brother had 20 started out as a temporary worker. 21 Q. So Mr. Garza had a brother that worked at 22 National Oilwell? 23 A. He alleged it was his brother. 24 Q. Okay. Have you seen him? You know his 25 name?</p>
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<p>1 requested my team leader Kevin Warren to change either 2 my coworker Steven Hunt or me to another group" and so 3 on and so forth. And then the last -- in the last 4 sentence of that paragraph, he states that "Some 5 minutes later he," meaning Mr. Warren "sent someone 6 for me and we went to the HR offices with 7 Mr. Bill Butler." Do you see that? 8 A. Yes. 9 Q. So it seems that like -- it jives with your 10 recollection that on the 27th you met with Mr. Warren 11 and others and Mr. Garza. But then in the next line 12 if you will please follow with me it says "That is 13 when Mr. Warren requested my termination papers." And 14 I want to ask you: Did Mr. Warren request on the 27th 15 in the meeting that we already talked about that 16 Mr. Garza be terminated? 17 A. I don't remember. I do not believe so. 18 (Exhibit No. 4 marked.) 19 Q. (By Mr. Costea) Mr. Butler, we are looking 20 at Butler Exhibit No. 4 and page 1 doesn't really 21 belong to this exhibit but that's the way I stapled it 22 by mistake but I want to focus your attention on the 23 next page which is an employment application by 24 Mr. Garza. And if you will go, please, to actually 25 the first page -- the first page of the application,</p>	<p>1 A. I know his name. 2 Q. What's his name? 3 A. Normand, N-o-r-m-a-n-d. 4 Q. Garcia? 5 A. Garza. 6 Q. Garza. They claim to be brothers? 7 A. They claim to be brothers. 8 Q. Is Normand still working there? 9 A. No. 10 Q. What happened to him? 11 A. Terminated in 2005. 12 Q. He was fired, his brother? 13 A. Yes. He was terminated. 14 Q. In '05? 15 A. In '05. I don't know what month. 16 Q. Well, you say that they worked together at 17 NOV? 18 A. Yes, they did -- I'm sorry. He was 19 terminated in '08. 20 Q. '08? 21 A. Yes, '08. 22 Q. Normand? 23 A. Normand. 24 Q. Okay. I don't think I have anymore 25 questions about documents. But I need to look at my</p>

23 (Pages 86 to 89)

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1 notes and hopefully we'll be done.

2 A. I'd just like to clarify the reason it was
3 probably temporary is they try them out for like a 60
4 or 90-day period to see if they work out and then
5 before they make them a full-time employee with
6 benefits.

7 Q. If they have the skills?

8 A. It's like a probationary period.

9 Q. Fair enough. Thank you.

10 A. I can go on record saying Mr. Jose Garza was
11 unhappy we terminated his brother.

12 Q. He was unhappy with him being fired?

13 A. Very.

14 Q. That's not unusual, is it, for somebody to
15 be unhappy with being fired?

16 A. I'm not sure it was his brother. They
17 claimed to be brothers.

18 MR. COSTEA: I pass the witness. I
19 don't have anymore questions for you, sir. Thank you
20 for your patience with me.

21 MS. WHITE: Defense will reserve any
22 questions until the time of trial.

23 (Deposition concluded at 2:47 p.m.)

1 WITNESS' SIGNATURE PAGE
2 DEPOSITION OF BILL BUTLER
3 TAKEN OCTOBER 8, 2013

4
5 I, BILL BUTLER, have read the foregoing
6 deposition and hereby affix my signature that same is
7 true and correct, except as noted above.

8
9 BILL BUTLER
10 THE STATE OF _____
11 COUNTY OF _____

12
13 Before me, _____, on this day personally
14 appeared BILL BUTLER, known to me (or proved to me
15 under oath or through _____) (description of
16 identity card or other document) to be the person
17 whose name is subscribed to the foregoing instrument
18 and acknowledged to me that they executed the same for
19 purposes and consideration therein expressed.

20
21 Given under my hand and seal of office on this _____
22 day of _____, _____.
23

24 NOTARY PUBLIC IN AND FOR
25 THE STATE OF _____

1 WITNESS' CHANGE/CORRECTION PAGE
2 DEPOSITION OF BILL BUTLER
3 TAKEN OCTOBER 8, 2013

4 PAGE/LINE CHANGE REASON

1 COUNTY OF HARRIS)
2 STATE OF TEXAS)

3
4 REPORTER'S CERTIFICATE
5 I, LANA SHOLDERS, Certified Shorthand Reporter in and
6 for the state of Texas, hereby certify that this
7 transcript is a true record of the testimony given by
8 the witness named herein, after said witness was duly
9 sworn by me.

10
11 I further certify that I am neither attorney nor
12 counsel for, related to, nor employed by any of the
13 parties to the action in which this testimony was
14 taken. Further, I am not a relative or employee of
15 any attorney of record in this cause, nor do I have a
16 financial interest in the action.

17
18 Certified to by me this the 28th day of October, 2013.
19
20

21 *Lana Holders*
22 LANA SHOLDERS, Texas Certified Shorthand Reporter
Expiration Date: 12-31-14
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